

October 31, 2003

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: Applicant(s): Vargas, Jaime; et. al.  
Assignee: Cardica, Inc.  
Title: Tissue Punch  
Customer No.: 33109

Dear Sir:

This is a request for filing a **divisional** application under 37 CFR 1.53(b) of pending U.S Patent Application serial no. **09/542,976**, filed on April 4, 2000 by the following named inventors:

- (a) Vargas, Jaime;
- (b) Donohoe, Brendan M.;
- (c) Anderson, Scott C.;
- (d) Bender, Theodore;
- (e) Yencho, Stephen;
- (f) Hausen, Bernard;
- (g) Hendricksen, Michael; and
- (h) Nielsen, James T.

Small entity status is hereby claimed.

Enclosed is a copy of the prior U.S. Patent Application serial no. 09/542,976 as originally filed on April 4, 2000, including copies of the specification and drawings. The enclosed patent application includes a new set of claims and a first page that has been revised to claim priority to the parent application, in accordance with 1251 Off. Gaz. Pat. Office 54 (October 9, 2001). A copy of the executed oath or declaration as filed in U.S. Patent Application Serial No. 09/542,976 is also enclosed.

Assignment to Vascular Innovations, Inc. of U.S. Patent Application Serial No. 09/542,976 is recorded at reel 011017, frame 0981. The change of name from Vascular Innovations, Inc. to Cardica, Inc. in U.S. Patent Application Serial No. 09/542,976 is recorded at reel 013180, frame 0120.

The power of attorney in the prior application is to Brian A. Schar, Reg. No. 45,076, and Mark Meltzer, Reg. No. 28,739. Please address all communications to:

Brian A. Schar  
Chief Patent Counsel  
Cardica, Inc.  
900 Saginaw Drive  
Redwood City, California 94063



Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter;
- (2) Return postcard;
- (3) Copy of U.S. Patent Application Serial No. 09/542,976 as filed, including originally-filed declaration, with revised first page and a new set of claims; and
- (4) Check no. 8566 in the amount of \$493.00.

The fee has been calculated as shown below:

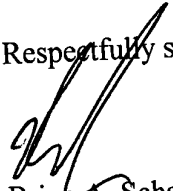
### CLAIMS

	Claims Remaining <u>After Amendment</u>		Highest No. <u>Paid For</u>		Present <u>Extra</u>	<u>Rate</u>	<u>Fee</u>
Basic Application Fee							385.00
Total Claims	32	Minus	20	=	12	x \$9	\$ 108.00
Independent Claims	3	Minus	3	=	0	x \$43	\$ 0.00
<input type="checkbox"/> Fee of _____ for the first filing of one or more multiple dependent claims per application							\$
<input type="checkbox"/> Fee for Request for Extension of Time							\$ 0.00
<input checked="" type="checkbox"/> Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.							\$
<input type="checkbox"/> Please charge our Deposit Account No. 502108 in the amount of							\$
<input checked="" type="checkbox"/> Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.							\$
<b>Total:</b>							<b>\$ 493.00</b>

Allowance of the pending claims is respectfully requested.

**Express Mail Label No.  
EV302958416US**

Respectfully submitted,

  
 Brian A. Schar  
 Attorney for Applicant(s)  
 Reg. No. 45,076  
 (650) 331-7162